

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION

UNITED STATES OF AMERICA,

CR 15-28-BMM

Plaintiff,

vs.

DEAN MADPLUME,

Defendant.

**FINDINGS AND
RECOMMENDATIONS TO
REVOKE DEFENDANT'S
SUPERVISED RELEASE**

I. Synopsis

The United States accused Mr. Mad Plume of violating his conditions of supervised release by (1) committing another crime, (2) consuming alcohol, and (3) failing to report to Great Falls Prerelease Center as directed. Mr. Mad Plume admitted to the allegations. His supervised release should be revoked. He should be sentenced to custody until March 20, 2017, with 33 months of supervised release to follow. He should spend the first 180 days of his supervised release at the Great Falls Transition Center.

II. Status

United States District Judge Brian Morris sentenced Mr. Mad Plume to twenty-five months in custody, with thirty-six months of supervised release to

follow, on July 30, 2015, after a he pleaded guilty to Assault Resulting in Serious Bodily Injury. (Doc. 22.) He began his current term of supervised release on December 30, 2016.

Petition

The United States Probation Office filed a Petition for Warrant for Offender Under Supervision on January 5, 2017, alleging that Mr. Mad Plume violated the terms of his supervised release by (1) committing another crime, (2) consuming alcohol, and (3) failing to report to Great Falls Prerelease Center as directed. (Doc. 25.) United States District Judge Brian Morris issued a warrant for his arrest based on the allegations in the Petition. (Doc. 26.)

Initial appearance

Mr. Mad Plume appeared before the undersigned on February 2, 2017, in Great Falls, Montana. Federal Defender Evangelo Arvanetes accompanied him. Assistant United States Attorney Brian Dake represented the United States.

Mr. Mad Plume said he had read the petition and understood the allegations. He waived the preliminary hearing, and the parties consented to proceed immediately with the revocation hearing before the undersigned. The Court continued the revocation hearing so that the Probation Office could determine if Mr. Mad Plume could get a bed date at the Great Falls Prerelease Center.

Revocation hearing

The Court conducted the revocation hearing on March 16, 2017. Mr. Mad Plume admitted to the allegations. The violation is serious and warrant revocation of his supervised release.

Mr. Mad Plume's violation grade is Grade C, his criminal history category is II, and his underlying offense is a Class C felony. He could be incarcerated for up to twenty-four months and could be ordered to remain on supervised release for thirty-six months, less any custody time imposed. The United States Sentencing Guidelines call for four to ten months in custody.

The parties agreed that Mr. Mad Plume should be sentenced to custody until March 20, 2017, with thirty-three months of supervised release to follow, to include 180 days at the Great Falls Prerelease Center.

III. Analysis

Mr. Mad Plume's supervised release should be revoked because he admitted violating its conditions. He should be sentenced to custody until March 20, 2017, with thirty-three months supervised release to follow, to include 180 days at the Great Falls Prerelease Center. This sentence would be sufficient given the seriousness of the violations but not greater than necessary.

IV. Conclusion

Mr. Mad Plume was advised that the above sentence would be recommended to Judge Morris. The Court reminded him of his right to object to these Findings and Recommendations within 14 days of their issuance. The undersigned explained that Judge Morris would consider his objection, if it is filed within the allotted time, before making a final determination on whether to revoke his supervised release and what, if any, sanction to impose.

The undersigned **FINDS:**

Dean Mad Plume violated the conditions of his supervised release by (1) committing another crime, (2) consuming alcohol, and (3) failing to report to Great Falls Prerelease Center as directed.

The undersigned **RECOMMENDS:**

The District Court should enter the attached Judgment, revoking Mr. Mad Plume's supervised release and committing him to the custody of the United States Bureau of Prisons for until March 20, 2017, with thirty-three months of supervised release to follow, to include 180 days at the Great Falls Prerelease Center.

NOTICE OF RIGHT TO OBJECT TO FINDINGS AND RECOMMENDATIONS AND CONSEQUENCES OF FAILURE TO OBJECT

The parties may serve and file written objections to the Findings and Recommendations within 14 days of their entry, as indicated on the Notice of

Electronic Filing. 28 U.S.C. § 636(b)(1). A district judge will make a de novo determination regarding any portion of the Findings and Recommendations to which objection is made. The district judge may accept, reject, or modify, in whole or in part, the Findings and Recommendations. Failure to timely file written objections may bar a de novo determination by the district judge, and may waive the right to appear and allocute before a district judge.

Dated the 20th day of March 2017.



John Johnston
United States Magistrate Judge